

Application S/N 10/903,381
Amendment Dated: March 21, 2006
Response to Office Action dated: November 1, 2005

CE11462JME

REMARKS/ARGUMENTS

Claims 1-9 remain pending in the application, as claims 10-26 were previously withdrawn in response to a Restriction Requirement. In the Office Action, claims 1-3 and 5-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,583,776 to Levi, et al. (Levi). In addition, claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Levi in view of U.S. Patent Application Publication No. 2004/0199056 to Husemann, et al. (Husemann).

A brief summary of the Levi and Husemann references may be helpful here. Levi describes a microcomputer-assisted position finding system that integrates GPS data, dead-reckoning sensors and digital maps into a low-cost, self-contained navigation instrument (see Abstract). The dead-reckoning sensors include a digital electronic compass, a silicon pedometer and a barometric altimeter (see col. 2, lines 5-7). The dead-reckoning sensors can help a user determine location when GPS data is unavailable (see col. 2, lines 8-14). The electronic compass is placed in the actual navigation instrument, as such a configuration allows manual sightings for bearings and manual fixes (see col. 7, lines 32-33). In particular, the user aims the hand-held navigation instrument containing the electric compass and a sighting post at a landmark and presses a trigger switch to indicate to a computer to save that compass bearing and to associate it with the identified landmark (see col. 8, lines 55-59).

Husemann discloses a method and system for placing a call or sending a message from a mobile telephone in response to receiving a signal from a portable, externally-worn body relay device or body monitoring device (see Abstract). The portable monitoring device and the mobile telephone are equipped with local area

Application S/N 10/903,381
Amendment Dated: March 21, 2006
Response to Office Action dated: November 1, 2005

CE11462JME

wireless interfaces (see Abstract). The mobile telephone can place a call to a predefined number in response to receiving a particular signal from the portable monitoring device (see paragraph 0008).

Independent claim 1 has been amended to clarify that the pedometer and the electric compass are separate from the wireless communication device, thereby allowing the pedometer and the electric compass to be positioned in an area or areas different from that of the wireless communication device. Support for the amendment can be found in FIG. 1 and on page 7, line 1-12 of the application. No new matter has been added in view of this amendment.

In contrast with the claimed invention, the compass of Levi is contained within the navigation instrument, i.e., the compass is not a separate unit that can be positioned in areas different from that of the instrument. The present invention greatly increases the flexibility of a personal navigation system, as the pedometer and the compass can be positioned virtually anywhere, so long as they can communicate with the wireless communication device. Husemann does not disclose the claimed invention, either.

Applicants also contend that it would not be obvious to one of skill in the art to combine the Levi and Husemann references in an effort to form the claimed invention because Levi teaches away from such a combination. In particular, Levi requires the compass to be placed in the navigation instrument to permit the user to generate compass bearings that are associated with an identified landmark. To position the compass outside the navigation instrument in Levi would defeat the very purpose of the compass being used to generate a starting location, as expressly adopted by Levi.

Application S/N 10/903,381
Amendment Dated: March 21, 2006
Response to Office Action dated: November 1, 2005

CE11462JME

In view of the above, Applicant submits that independent claim 1 is patentable over the prior art. Applicant also believes that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

By: _____


Larry G. Brown
Attorney of Record
Reg. No.: 45,834

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

Telephone: (954) 723-4295
Fax No.: (954) 723-3871